

THE BOARD OF COMMISSIONERS OF UTAH COUNTY, UTAH

COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
Tuesday March 29, 2016 at 9:00 AM

Commissioner Ellertson called the meeting to order at 9:00 AM

PRAYER/READING/THOUGHT: Tim Torkildson

PLEDGE OF ALLEGIANCE: Paul Jones

PRESENT: Larry A. Ellertson, Commission Chair
William C. Lee, Commission Vice Chair
Greg Graves

ALSO PRESENT:

James O. Tracy, Utah County Sheriff
Dalene Higgins, Sheriff's Office
Darren Dwarf, Sheriff's Office
Josh Chapel, Sheriff's Office
Lisa Nielson, Commission
Michelle Araujo, Commission
Brian Voeks, Commission
Lana Jensen, Personnel Director
Marilyn Dye, Personnel
Andrea Allen, Recorder's Office
Katie Fox, Attorney
Vicky Westergard, Deputy Clerk/Auditor
Chris Buckley, Attorney
Don Nay, Public Works
Richard Nielson, Public Works
Gary Ratcliff, Surveyor
Paul Jones, Attorney

Kim Jackson, Treasurer
Bryce C. Larsen, Health Department
Jake Ellis, Health Department
Dianne Orcutt, Attorney
Peggy Kelley, Community Development
Pat Bird, ADDAPT
Tim Torkildson, Provo Poet
Soren Halladay, Peg Development
Mike, Media
Tony Saklevrct, Spanish Fork 15
Collett Larsen, Citizen
Keryn Ross, Lindon City Resident
Casey Voeks, Lehi City Resident
Robert John Stevens, Provo Resident
Clark Karrus, Benjamin Resident
Linda Strickland, Commission Clerk

CONSENT AGENDA

Commissioner Ellertson recommended moving Consent Agenda Item Nos. 6 and 7 to the Regular Agenda for discussion.

1. APPROVE AND RATIFY THE CHECK WARRANT REGISTER FOR MARCH 29, 2016
2. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO UTAH COUNTY
3. APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE # 20104 AND RESOLUTION #201164 OF THE UTAH COUNTY CODE.
4. APPROVE (OR DENY) THE R. STEVENS SUBDIVISION, PLAT "B," SUBJECT TO THE CONDITIONS IN THE STAFF REPORT

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5. TO APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER #20356
8. DECLARE SPECIFIED SMALL EQUIPMENT AS SURPLUS TO BE DISPOSED OF AS JUNK.

Commissioner Ellertson recommended approval of Consent Agenda Item Nos. 1, 3, 4, 5 and 8; and moving the following Regular Agenda Items to Consent:

1, 3 and 4 to continued to April 12, 2016. Commissioner Ellertson said he was okay with No. 6. The date to extend was just a few days and he asked if receipts had ben received. It was stated the receipts had been received. No. 5 on the Regular Agenda was tabled until the end of the meeting; No. 6 to approve based on the fact that the required receipts had been received from Pleasant Grove City; No. 8 to approve and ratify; and 10, 11, 12, 13 and 15 to approve.

5. ADD ONE FULL TIME CAREER SERVICE CRIMINAL DIVISION CHIEF POSITION (CLASS CODE TBD) TO THE STAFFING PLAN OF THE COUNTY ATTORNEY'S OFFICE, AND ELIMINATE ONE CHIEF DEPUTY COUNTY ATTORNEY POSITION (CLASS CODE 1022) ONCE THE NEW POSITION HAS BEEN FILLED -
6. DECLARE THE EQUIPMENT, VEHICLES AND OTHER ITEMS LISTED ON THE ATTACHED SPREADSHEETS AS SURPLUS AND AUTHORIZE THE DISPOSAL OF THESE ITEMS THROUGH BUYBACK OR TRADE-IN, PUBLIC AUCTION OR AS SCRAP.
7. DECLARE AS SURPLUS POLICE SERVICE DOG "MAAKOA," TRANSFERRING OWNERSHIP TO DEPUTY JORY PROVSTGAARD FOR CARE, AND RELEASING THE UTAH COUNTY SHERIFF'S OFFICE OF ALL RESPONSIBILITY FOR AND CLAIM TO MAAKOA
6. APPROVE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH PLEASANT GROVE CITY TO EXTEND THE 2015 DEADLINE ON THEIR TOURISM AND RECREATION DEVELOPMENT PROJECT
8. APPROVE AND RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE DRUG FREE COMMUNITIES GRANT APPLICATION
10. APPROVE AND AUTHORIZE THE UTAH COUNTY COMMISSION CHAIRMAN TO SIGN THE SUBDIVISION IMPROVEMENT AND WARRANTY AGREEMENT FOR THE EGG FARM SUBDIVISION PLAT A IN THE AMOUNT OF \$30 AND COMMENCE THE ONE YEAR WARRANTY PERIOD.
11. APPROVE AND AUTHORIZE THE COMMISSION CHAIRMAN TO SIGN A GRANT AGREEMENT WITH THE UTAH DEPARTMENT OF AGRICULTURE AND FOOD TO RECEIVE \$40,000.00 FOR THE PAYSON CANYON / SUNDANCE GARLIC MUSTARD WEED CONTROL PROJECT.
Commissioner Ellertson asked if there were any questions on No. 11. There were none.
12. APPROVE AND AUTHORIZE THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH, TO SIGN THE CONSENT TO ASSIGNMENT TO TEMPLEVIEW OF THE RIGHTS OF PEG AND HALLADAY UNDER THE PURCHASE AGREEMENT AND WITH RESPECT TO THE SUBJECT PROPERTIES, SUBJECT TO AND CONDITIONED UPON THE RETENTION BY PEG DEVELOPMENT, LLC, OF ALL OF PEG DEVELOPMENT, LLC'S, LIABILITIES UNDER THE PURCHASE AGREEMENT

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13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE STATE OF UTAH FY20162017 VOCA VICTIM ASSISTANCE PROGRAM GRANT APPLICATION
15. APPROVE AND AUTHORIZE A LETTER FOR A FORMAL REQUEST TO EXTEND DEADLINE TO COMMENT ON "PLANNING 2.0" REGULATIONS, 43 CFR PART 1600 RESOURCE MANAGEMENT PLANNING PROPOSED RULE, FEDERAL REGISTER NOTICE FEBRUARY 25, 2016, 81 FR 9674.

Consent Agenda Item Nos. 1, 2, 3, 4, 5 and 8; and Regular Agenda Item Nos. 5, 6, 8 10, 11, 12, 13, and No. 15 were approved and ratified, adopted, approved, declared and tabled

RESOLUTION NO: 2016-27

AGREEMENT NOS: 2016-237, 2016-238, 2016-239, 2016-240, 2016-241, 2016-242, 2016-243, 2016-244, 2016-245, and 2016-246

REGULAR AGENDA

Moved from Consent:

6. DECLARE THE EQUIPMENT, VEHICLES AND OTHER ITEMS LISTED ON THE ATTACHED SPREADSHEETS AS SURPLUS AND AUTHORIZE THE DISPOSAL OF THESE ITEMS THROUGH BUYBACK OR TRADE-IN PUBLIC AUCTION OR AS SCRAP.

Commissioner Ellertson noted several of the listed vehicles had less than 100,000 miles and some had less than 60,000 miles. Usually these vehicles are kept for a longer period. These aren't usually surplus as scrap. However, he recommending approving this agenda item and discussing the matter with Dan at Public Works.

Commissioner Lee made the motion to declare the equipment, vehicles and other items listed as surplus and to authorize the disposal of these items through buy-back or trade- in public auction or as scrap with the understanding that there will be a conversation with Dan The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves

NAY: None

AGREEMENT NO. 2016-247

7. DECLARE AS SURPLUS POLICE SERVICE DOG "MAAKOA," TRANSFERRING OWNERSHIP TO DEPUTY JORY PROVSTGAARD FOR CARE, AND RELEASING THE UTAH COUNTY SHERIFF'S OFFICE OF ALL RESPONSIBILITY FOR AND CLAIM TO MAAKOA

Sheriff Tracy said Maakoa has reached the end of his career and they are transferring ownership to Deputy Jory Provstgaard. Commissioner Ellertson observed the agenda item had stated the "transferring ownership to Deputy Jory Provstgaard for care, and releasing the Utah County Sheriff's Office of all responsibility for and claim to Vito. Sheriff Tracy said the name of Vito would be changed to Maakoa.

Commissioner Graves made the motion to declare as surplus police service dog "Maakoa" transferring ownership to Deputy Jory Provstgaard for care, and releasing the Utah County Sheriff's Office of all responsibility for and claim to Maakoa, with the stipulated change, The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves

NAY: None

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AGREEMENT NO. 2016-248

2. APPROVE THE MINUTES OF THE FEBRUARY 16, 2016 COMMISSION MEETING - Continued from the March 22, 2016 Meeting.

Commissioner Ellertson recommended approval of the February 16 Commission Meeting.

Commissioner Graves made the motion to approve the Minutes of the February 16, 2016 Commission Meeting. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

1. APPROVE THE MINUTES OF THE JANUARY 26, 2016 COMMISSION MEETING - Continued from the March 22, 2016 Meeting.
3. APPROVAL OF THE MINUTES OF THE MARCH 8, 2016 COMMISSION MEETING - Continued from the March 22, 2016 Meeting.
4. APPROVE THE MINUTES OF THE MARCH 22, 2016 COMMISSION MEETING

Commissioner Ellertson indicated he would like to listen to the recording before approving the Minutes as Outlined in Regular Agenda Item Nos. 1, 3, and 4

Commissioner Graves made the motion to continue Agenda Items 1, 3, and 4 to the April 12, 2016 meeting. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A THIRD AMENDMENT TO AGREEMENT 2014-661 WITH DOMINION VOTING

Commissioner Graves made the motion to sign a third amendment to Agreement No. 2014-661 with Pleasant Grove City. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

AGREEMENT NO. 2016-248

9. APPROVE AND AUTHORIZE AN AGREEMENT WITH JFM HANGARS, LLC FOR THE PURCHASE OF A HANGAR AT THE SPANISH FORK AIRPORT.

Commissioner Ellertson noted the purchase of the hanger had been discussed, but didn't believe the funds had been placed in the budget. Sheriff Tracy said his thought was that the funds were coming from the Capital Expense Fund. Commissioner Ellertson asked if this matter could be continued to the April 12, 2016 Commission Meeting at 10:00 AM.

Commissioner Graves said this had been under discussion for some time and the owner is getting anxious; however, the owner is also responsible for some of the delay because there was a delay in getting the paperwork for the County Attorney to review. Bryan Thompson suggested approving the agreement, based on available funds, then ratifying the approval at the April 12, 2016 meeting. David Shawcroft agreed approval, contingent on the funds and Commissioner Lee agreed

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he wants to be sure funding is available. It was noted the hanger could be sold and the funds replaced, when and if it was no longer needed. Sheriff Tracy clarified the fact that the opportunity to purchase this hangar came after the 2016 budget was finalized.

Commissioner Graves made the motion to approve an agreement with JFM Hangers, LLC for the purchase of a hanger at the Spanish Fork Airport on today's date contingent on funds being available from the 2016 budget. The motion was seconded by Commissioner Lee and motion carried.

AYE: Larry A. Ellertson
William C. Lee
Greg Graves

NAY: None

AGREEMENT NO. 2016-249

14. APPROVE AND AUTHORIZE THE UTAH COUNTY CLERK/AUDITOR TO EXECUTE, ON BEHALF OF UTAH COUNTY, A QUIT CLAIM DEED FOR THE TRANSFER OF PROPERTY LOCATED IN PALMYRA, UTAH, TO REED AND DEE BANKS

Dianne Orcutt explained there were two quit claims and the Title Company attached the wrong attachments to the claims. It was incorrect in that it deeded the Banks Farm to the County and deeded the County Road to Reed and Dee Banks. She said she had the paperwork to deed the farm back to Reed and Dee Banks; however, she is waiting for the paperwork deeding the county road back to the County. She will place the correct deeds on the April 12, 2016 Commission Meeting Agenda and will record the deeds simultaneously.

Commissioner Lee made the motion to deed the farm in Palmyra, Utah back to Reed and Dee Banks, contingent upon receiving the quit claim deed from Reed and Dee Banks, deeding the county road back to the County. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE; Larry A. Ellertson
William C. Lee
Greg Graves

NAY: None

AGREEMENT NO. 2016-250

The Board observed two items from the March 22, 2016 Commission regarding the Personnel Director and Protocol for Electronic Meets were to be continued to today's meeting. These items were not on the agenda and will be continued to the April 12, 2016 meeting.

16. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS)

Commissioner Graves made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals for today's date, at this location following the completion of the Regular Agenda and Work Session Items. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE; Larry A. Ellertson
William C. Lee
Greg Graves

NAY: None

17. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS)

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18. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES, PREVIOUSLY PUBLICALLY NOTICED FOR SALE (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS)
19. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES, (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS)

Commissioner Graves made the motion to strike Item Nos. 17, 18 and 19 for closed meetings, determining they were not necessary for today's meeting. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE; Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

Collette Russel indicated she lived in the West Mountain area and is speaking in opposition of the re-opening of the Kilgore Mine. She said they don't stop for the stop signs. In fact a driver almost created an accident when they didn't stop at a crossroads because there was no sign. She talked with management at the Kilgore Mine and a stop sign was in there the next day; however the truck drives still don't stop at the signs. She indicated parents were afraid to allow their children to play outside in the summer and they can't ride their bikes to the county park because of the danger. She said she didn't know how Kilgore got the permit as they apparently don't believe they need to comply with the laws of the land as . The pit is going to swallow their agriculture area, which is an important part of the state. She noted a lot of money was spent to create the wetlands preserve which is close to the pit. She said Commissioners had voted to allow the pit, but felt the Board of Commission should come out and see the problem with the road.

Clark Karrus said he was from Benjamin and had recently been elected as a Precinct President. When the Caucus were going on, the residents expressed major concerns over the Kilgore pit. He said this is creating problems for the agricultural area and the livelihood of the residents. Mr. Karrus said the owner of the pit, Mr. McKee has been charged with several criminal matters. Former Commissioner Anderson was also involved with some of these matters, but he didn't know if he was involved in the opening of the pit. A major concern regards how the mine was opened in the first place and he expressed the belief that the legal issues should be resolved before the mine is allowed to open. He agreed the trucks do not stop for the signs. They have school children waiting in the burrow pits while they are waiting for the buses because there are no sidewalks, and this creates additional danger. . He indicated he lives at 7300 South and 3200 West. The trucks shake the homes at that area and are creating damage to some of the older homes. Mr. Karrus said the main roads are 3200 West which runs from the Cracker Barrel to Arrow Head Trail to get on the freeway. They also get on the Benjamin exit to get on the freeway. When the citizens complain, the trucks go on the smaller roads to get to the mine and the freeway which creates more danger and damage..

Commissioner Lee said the Board of Utah County Commissioners should meet with the cities involved in this matter. He noted these are state roads and the County has no authority over them. However they should also invite UDOT to this

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meeting.

Ms. Larson said she met with the Kilgore Mining Representative, Brad, and they do want to work things out. However, these roads are on a mountain and it is difficult to stop these heavily loaded trucks.

Mr. Karrus said there also petrocliffs in the area and they need to be protected. Commissioner Graves said the Board of Commissioners did meet with Richard Nielson, the Public Works Director a couple of weeks ago and discussed this matter. The Board is very concerned about the situation and he agreed a meeting should be organized.

At this time the Board went into a closed session to discuss Regular Agenda Item No. 1 to discuss the character, professional competence, or physical or mental health of an individual or individuals.

Commissioner Graves made the motion to bring Regular Agenda Item No. 5 back into open meeting. and carried with the following vote: The motion was seconded by Commissioner Lee and carried with the following vote:

AYE; Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

At this time the Recorder ceased to function

5. ADD ONE FULL-TIME CAREER SERVICE CRIMINAL DIVISION CHIEF POSITION (CLASS CODE TBD) TO THE STAFFING PLAN OF THE COUNTY ATTORNEY'S OFFICE, AND ELIMINATE ONE CHIEF DEPUTY COUNTY ATTORNEY POSITION (CLASS CODE 1022) ONCE THE NEW POSITION HAS BEEN FILLED.

Commissioner Graves made the motion to approve Agenda Item No. 5 to add one full-time Career Service Criminal Division Chief Position (Class Code TBD) to the Staffing Plan of the County Attorney's Office and eliminate one Chief Deputy County Attorney position (Class Code 1022) once the new position has been filled. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE; Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

Commissioner Graves made the motion to adjourn the March 29, 2016 Board of Commissioners' meeting. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE; Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

There being no further business nor public comment, the meeting adjourned at 10:35 AM. The minutes of the March 29, 2016 Commission meeting were approved as transcribed on March 15, 2016.

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ATTEST:

LARRY A. ELLERTSON, COMMISSION CHAIR

BRYAN E. THOMPSON
Utah County Clerk/Auditor

Copies available on the County Website at www.utahcount.gov
Recorded by Linda Strickland, Deputy Clerk/Auditor